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**Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development**

# Joint written statement* submitted by the China Society for Human Rights Studies (CSHRS), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[07 September 2018]

* Issued as received, in the language(s) of submission only.

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## Realizing the Right to Development Through Judicial Reform

The birth of RTD shifted the paradigm of international discourse from need, charity and aid towards human rights, shared responsibilities and cooperation. The implementation of RTD requires effective development policies at the national level, and equitable economic relations and a favorable economic environment at the international level. On the new theory view, RTD is a kind of integrated human right, charactered with integration feature and process-oriented approach, by the method of dialogue, in order to realize the idea equilibrium. To overcome the dilemma of implementing RTD should be based on overall strategic framework and improve the legal and judicial reform in the context of globalization. Especially for the developing countries, struggle to change the unequal international political and economic order is the core driving force of realizing RTD in the process of deepening dialogue and negotiations, which is reflected in the tide of legal and judicial reform. Therefore, it is necessary for us to change the strategy from legislative base to judicial focus, from one-way path to plural view, exploring the possibility of new model to realize the RTD in the context of comprehensive judicial reform.

Although the ideas and reflections of the RTD become the consensus after the failure of the law and development movement, whether the new round of law and the judicial reform movement can achieve a breakthrough to realize the RTD remains doubtable. But now we can be sure that the theme of "Realizing the RTD through judicial reform" has been increasingly recognized and accepted by the international community and nation-state. From "law in books" to "law in action", the key advocate of the sociological jurisprudence, also applies to the realization of RTD. We can't of excessive dependence on the Declaration of the RTD, fantasy it overnight from soft law into hard law, from no compulsory execution force into an legal obligation, from the international level compromise agreement into the domestic level of institutional law, from the wonderful idea into real benefit in a second time. On the basis of the existing basic consensus, We should seek the judicial channels though which the ought right can be transformed practical.

Firstly, Judicial reform on the basis of self-determination could promote the realization of RTD. Secondly, Drafting a Legal & Judicial Reform Framework Convention on the RTD seems to be the best option for accommodating the concerns of the different political groups, as it allows for a step-by-step approach. Finally, it is crucial that social ("grass roots") movements and NGOs, in the North as well as in the South, in their daily struggle, call for an effective implementation of the Declaration on the Right to Development and oppose all attempts, on the part of governments and the private (commercial) sector, to strip it of its meaning.